



UNITED STATES
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March 9, 2023

Via ECF Filing

Hon. Richard M. Berman
United States District Court
Southern District of New York
500 Pearl Street, Room 2220
New York, NY 10007

Re: SEC v. Gramins, et al., No. 15-cv-07045 (RMB)

Dear Judge Berman:

Plaintiff Securities and Exchange Commission (the "Commission") and Defendant Michael A. Gramins ("Gramins") respectfully submit this letter to update the Court on the status of related proceedings since our last status conference on December 21, 2022.

As to the criminal case, the government's motion for restitution of \$1,240,983 remains pending with the District Court; the motion has been fully briefed since April 2021, and there is no update on the timing of a ruling. In addition, while the Second Circuit has affirmed Mr. Gramins's conviction, Mr. Gramins has now filed a petition for a *writ of certiorari* with the United States Supreme Court. The Solicitor General is due to file a response on or before March 15, 2023.

In addition, while this case remains stayed, the Commission issued an Order Instituting Proceedings pursuant to the Securities Exchange Act of 1934 to determine whether to impose an associational bar prohibiting Gramins from working in the financial industry. Mr. Gramins filed his Answer on January 19, 2023. There is a pending motion for summary disposition, and Gramins is scheduled to file his opposition on or before March 29, 2023.

The parties are available to answer any questions at the March 16, 2023 status conference.

Respectfully,

A handwritten signature in cursive script that reads "Rua M. Kelly".

Rua M. Kelly
Senior Trial Counsel